



UNITED STATES PATENT AND TRADEMARK OFFICE

my
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,766	07/09/2001	Laurent Taisne	RN98145	2210

7590 03/22/2004
Jean Louis Scugnet
Rhodia Inc
259 Prospect Plains Road
CN 7500
Cranbury, NJ 08512-7500

EXAMINER

LIPMAN, BERNARD

ART UNIT	PAPER NUMBER
----------	--------------

1713

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,766

Applicant(s)

TAISNE ET AL.

eb

Examiner

Bernard Lipman

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-52 is/are pending in the application.
- 4a) Of the above claim(s) 28,33,35-38,40 and 41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27,29-32,34,39 and 42-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/15/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

1. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27, 29-32, 34, 39 and 42-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Guerin et al., U.S. Patent 6,036,887 in view of Kuroda et al., U.S. Patent 4,748,196.

Reference to Guerin et al. specifically teaches the claimed granules with the surfactant and the active ingredients the same but with the water-soluble compounds being generic to those being claimed by applicants. The teaching of the reference specifically is to polymers and copolymers of acid containing ethylenic monomers, including maleic acid and anhydride as preferred by applicants. The copolymers can have various comonomers as can be seen in column 4 and generically contain any ethylenically unsaturated comonomers. Reference to Kuroda et al. specifically teaches the use of copolymers of maleic anhydride and olefin monomers in similar compositions to those of Guerin et

al. The reference to Kuroda et al. does not specifically teach making granules from its composition but its composition does, in fact, contain the same surfactants and the same type of water insoluble compounds along with the polymer of the maleic anhydride olefin in the form of an emulsion. This is what is required in applicants' claimed formation of the granules. This is also what is required in the teaching of the reference to Guerin et al. and it would, therefore, render prima facie obvious the use of maleic anhydride olefin copolymers from the generic teaching of Guerin et al. to acid copolymers absent evidence of unexpected results commensurate in scope to the claims.

Applicants have provided a comparison between the preferred polymers of Guerin et al. and the elected polymer of applicants wherein the specific maleic anhydride diisobutylene copolymer is used in conjunction with specific "active" substance and with a specific surfactant. Nowhere is there a comparison of any kind presenting unexpected results for the multitude of combinations of polymers, active compounds, and surfactants as encompassed by applicants' claims. The claims are, therefore, properly rejected under 35 U.S.C. § 103 as obvious from the references as cited.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Lipman whose telephone number is (571) 272-1105. The examiner can normally be reached on Mondays through Fridays from 7 A.M. to 4:30 P.M.

Serial No. 09/830,766

-4-

Art Unit 1713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (571) 272-1114.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-0994.



Bernard Lipman
Primary Examiner
Art Unit 1713

BL:cdc
March 15, 2004